

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
JANUARY 6, 2009
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Commissioner Burg – Present
Commissioner Lindell – Present
Commissioner Sheldon – Absent
Commissioner Smith – Present
Commissioner Swain – Present
Commissioner Acton – Present/Late
Chairman Backer – Present

PUBLIC COMMENT:

None

NEW BUSINESS:

The Planning Commission reviewed Petition 08-14 Tax Parcel Number 1900500042 known as 601 Kirkwood Hwy.

Mr. Donald Finch spoke representing the property. He stated that he is here to ask for the commissions approval to operate the small barber poll at the property that is to help attract business to the establishment.

Commissioner Lindell asked Mr. Finch what the business hours were for the shop.

Mr. Finch replied 9:30a.m. – 6:00p.m. Tuesday through Friday, and Saturday 9:00a.m. – 3:00p.m.

Commissioner Lindell asked if the barber poll would be operating during the regular business hours or if it would be on at all times.

Mr. Finch stated that he would prefer to leave the poll on at all times.

Commissioner Burg asked if the unit was already up and what the location of the poll was.

Mr. Finch confirmed that the poll is indeed already installed however it is not oscillating or lit up, and that the poll is located next to the door.

Commissioner Acton asked what size the poll is and what type of wattage the poll will use.

Mr. Finch stated that the poll will use regular 110 voltage and the size of the poll is about 1' off the wall 18 inches long and about 4 – 8 inches in diameter.

Commissioner Swain stated that the Commission has a current goal to be a Main Street USA Affiliate and yet they don't allow the typical small town barber signs. He stated that he feels that this aspect would help achieve this goal.

Chairman Backer read Chapter 225 Section 38 which applies to oscillating signs, for the record.

ACTION: A motion was made by Commissioner Burg to recommend approval of Petition 08-14 Tax Parcel Number 1900500042 requesting that an oscillating barber poll be operated at the property know as 601 Kirkwood Hwy. The motion was seconded by Commissioner Swain.

VOTE:

All in favor VOTE: 6-0 with 1 Absent Motion Carried

The Planning Commission Reviewed Petition 08-15 Tax Parcel Number 1900400367 known as 5 Locust Ave.

Mr. Clifford Gillis presented the application to construct a large deck in the rear of the property.

Chairman Backer stated that he has noticed that the plans were drawn up by Home Depot, Inc. and asked if Mr. Gillis intended to use their services to construct the structure or did he intend to construct it himself.

Mr. Gillis stated that he and his brother-in-law intend to construct the deck.

Chairman Backer asked if either men have a history in construction.

Mr. Gillis stated that he does not however his brother-in-law does.

Chairman Backer asked if any electrical or lights were to be installed.

Mr. Gillis responded stating that he does not intend to add any of this.

Commissioner Burg asked if Mr. Gillis intends to remove the existing deck to construct the new deck.

Mr. Gillis stated that it is a separate deck and he intends to keep it.

Commissioner Lindell clarified that the new deck will stop short of connecting with the side deck at the property and the new deck will wrap around the rear of the house.

Mr. Gillis stated that this information was correct.

Commissioner Lindell asked Code Enforcement Officer Keith Brown if work had already begun because he noticed that there were some holes already being dug at the property.

Officer Keith Brown stated that the work has not started, the holes that are being dug are for a small portion of the deck that does not require the commissions approval it meets the current code requirements.

Commissioner Acton asked Mr. Gillis to verify the position of the deck on the property.

Mr. Gillis stated that the unit would go the entire length of the rear of the house and wrap around the corner closest to the driveway.

Commissioner Swain asked if the basement door would be located in the space between the two separate structures.

Mr. Gillis confirmed this information.

Chairman Backer asked if Mr. Gillis has any future plans for additional structures on the property.

Mr. Gillis answered stating that he does not have any future intentions for structures on the property.

Chairman Backer asked if the above ground pool is considered lot coverage.

Officer Keith Brown confirmed this stating that it does indeed count as lot coverage.

ACTION: A motion was made by Commissioner Swain to recommend approval of Petition 08-15 Tax Parcel Number 1900400367 requesting a variance to allow the construction of a deck at the property know as 5 Locust Ave. The motion was seconded by Commissioner Swain.

VOTE:

All in favor VOTE: 6-0 with 1 Absent Motion Carried

The Planning Commission Reviewed Ordinance 500

Chairman Backer read the ordinance for the record.

Officer Keith Brown stated that this ordinance has been passed and the Planning Commission is being notified that the duties of the Tree Advisory Committee are now their duties.

Commissioner Lindell stated that some of that information was picked up in the review of the Comprehensive Plan by Commissioner Sheldon.

ACTION: Chairman Backer made a motion that Commissioner Sheldon be made the Chairman of the new Sub-Committee of the Planning Commission. The motion was seconded by Commissioner Burg.

VOTE:

All in favor VOTE: 6-0 with 1 Absent Motion Carried

OLD BUSINESS:

The Commission discussed the review of the Comprehensive Plan.

Chairman Backer stated that he spoke with the Town Manager and was informed that the Town has not heard anything regarding the Comprehensive Plan other than a few minor questions from the University of Delaware regarding some of the changes.

Chairman Backer stated that Commissioner Burg, Commissioner Lindell and himself were the only Commissioners to return their review information. He asked if any additional commissioner have their information ready for submittal.

No response from the commission.

Chairman Backer asked that all additional assignments please be turned in by the end of January so the those changes can be made.

Commissioner Burg stated that he thought the University of Delaware was going to return later in November to further discuss the Comprehensive Plan.

Chairman Backer verified that the University of Delaware was going to come back after the information was taken to the State of Delaware. They were not going to come back unless there was additional information necessary.

APPROVAL OF MINUTES:

Approval of the minutes from the November 3, 2008 Planning Commission Meeting

ACTION: A motion was made by Commissioner Lindell to approve the minutes of the November 3, 2008 Planning Commission Meeting. The motion was seconded by Commissioner Burg.

VOTE:

All in favor VOTE: 4-0, 2 abstained, with 1 Absent Motion Carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Swain to adjourn. The motion was seconded by Commissioner Burg.

VOTE:

All in favor VOTE: 6-0 with 1 Absent Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the January 6, 2009 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

LEON BACKER, CHAIRMAN

CHARLES LINDELL, SECRETARY